



US Army Corps  
of Engineers  
Alaska District

# Public Notice of Application for Permit

Regulatory Branch (1145b)  
8800 Glacier Highway  
Suite 106B  
Juneau, Alaska 99801-8079

**PUBLIC NOTICE DATE:** January 5, 2004

**EXPIRATION DATE:** February 3, 2004

**REFERENCE NUMBER:** 4-2003-0778

**WATERWAY NUMBER:** Lemon Creek 14

Interested parties are hereby notified that an application has been received for a Department of the Army permit for certain work in waters of the United States as described below and shown on the attached plan, seven sheets, dated December 5, 2003.

**APPLICANT:** City and Borough of Juneau, 155 South Seward Street, Juneau, Alaska 99801-1397.

**LOCATION:** The proposed project would be located within Hidden Valley at Lot 3, USS 5504, Tract A1-A, in Juneau, Alaska; approximately N. 58° 22' 15", W. 134° 4' 3"; within Section 26, T. 40 S., R. 66 E., Copper River Meridian (USGS Quadrangle Juneau B-2).

**WORK:** The applicant request authorization for the following work:

--Excavate and side-cast approximately 17,400 cubic yards of organic soil material from approximately 5.42 acres of wetlands. Work would include diverting the flow of two streams to a sediment-settling basin (pond).

Refer to the attached plan for details.

**PURPOSE:** The applicant's stated project purpose is to develop a source of sand and gravel.

**ADDITIONAL INFORMATION:** For additional information about the proposed project, contact Ms. Heather Marlow at (907) 586-0481.

**MITIGATION:** None.

**WATER QUALITY CERTIFICATION:** A permit for the described work will not be issued until a certification or waiver of certification as required under Section 401 of the Clean Water Act (Public Law 95-217), has been received from the Alaska Department of Environmental Conservation.

**COASTAL ZONE MANAGEMENT ACT CERTIFICATION:** Section 307(c)(3) of the Coastal Zone, Management Act of 1972, as amended by 16 U.S.C. 1456(c)(3), requires the applicant to certify that the described activity affecting land or water uses in the Coastal Zone complies with the Alaska Coastal Management Program. A permit will not be issued until the Office of Project Management and Permitting, Department of Natural Resources has concurred with the applicant's certification.

**PUBLIC HEARING:** Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, reasons for holding a public hearing.

**CULTURAL RESOURCES:** The latest published version of the Alaska Heritage Resources Survey (AHRS) has been consulted for the presence or absence of historic properties, including those listed in or eligible for inclusion in the National Register of Historic Places. There are no listed or eligible properties in the vicinity of the worksite. Consultation of the AHRS constitutes the extent of cultural resource investigations by the District Engineer at this time, and he is otherwise unaware of the presence of such resources. This application is being coordinated with the State Historic Preservation Office (SHPO). Any comments SHPO may have concerning presently unknown archeological or historic data that may be lost or destroyed by work under the requested permit will be considered in our final assessment of the described work.

**TRIBAL CONSULTATION:** The Alaska District fully supports tribal self-governance and government-to-government relations between the Federal government and Federally recognized Tribes. This notice invites participation by agencies, Tribes, and members of the public in the Federal decision-making process. In addition, Tribes with protected rights or resources that could be significantly affected by a proposed Federal action (e.g., a permit decision) have the right to consult with the Alaska District on a government-to-government basis. Views of each Tribe regarding protected rights and resources will be accorded due consideration in this process. This Public Notice serves as notification to the Tribes within the area potentially affected by the proposed work and invites their participation in the Federal decision-making process regarding the protected Tribal right or resource. Consultation may be initiated by the affected Tribe upon written request to the District Engineer during the public comment period.

**ENDANGERED SPECIES:** No threatened or endangered species are known to use the project area. Preliminarily, the described activity will not affect threatened or endangered species, or their critical habitat designated as endangered or threatened, under the Endangered Species Act of 1973 (87 Stat. 844). This application is being coordinated with the U.S. Fish and Wildlife Service and the National Marine Fisheries Service. Any comments they may have concerning endangered or threatened wildlife or plants or their critical habitat will be considered in our final assessment of the described work.

**ESSENTIAL FISH HABITAT:** The proposed work is being evaluated for possible effects to Essential Fish Habitat (EFH) pursuant to the Magnuson Stevens Fishery Conservation and Management Act of 1996 (MSFCMA), 16 U.S.C. *et seq* and associated federal regulations found at 50 CFR 600 Subpart K. The Alaska District includes areas of EFH as Fishery Management Plans. We have reviewed the January 20, 1999, North Pacific Fishery Management Council's Environmental Assessment to locate EFH area as identified by the National Marine Fisheries Service (NMFS).

We have determined that the described activity within the proposed area will not adversely affect EFH, including anadromous fish and federally managed fishery resources.

**SPECIAL AREA DESIGNATION:** None.

**EVALUATION:** The decision whether to issue a permit will be based on an evaluation of the probable impacts including cumulative impacts of the proposed activity and its intended use on the public interest. Evaluation of the probable impacts, which the proposed activity may have on the public interest, requires a careful weighing of all the factors that become relevant in each particular case. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments.

The decision whether to authorize a proposal, and if so, the conditions under which it will be allowed to occur, are therefore determined by the outcome of the general balancing process. That decision should reflect the national concern for both protection and utilization of important resources. All factors, which may be relevant to the proposal, must be considered including the cumulative effects thereof. Among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. For activities involving 404 discharges, a permit will be denied if the discharge that would be authorized by such permit would not comply with the Environmental Protection Agency's 404(b)(1) guidelines. Subject to the preceding sentence and any other applicable guidelines or criteria (see Sections 320.2 and 320.3), a permit will be granted unless the District Engineer determines that it would be contrary to the public interest.

The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Comments on the described work, with the reference number, should reach this office no later than the expiration date of this Public Notice to become part of the record and be considered in the decision. Please contact Mr. Randal P. Vigil at (907) 790-4490, by FAX at (907) 790-4499, by mail at the letterhead address, or by E-mail at [randal.p.vigil@poa02.usace.army.mil](mailto:randal.p.vigil@poa02.usace.army.mil), if further information is desired concerning this notice.

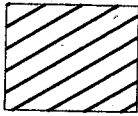
**AUTHORITY:** This permit will be issued or denied under the following authority:

(X) Discharge dredged or fill material into waters of the United States - Section 404 Clean Water Act (33 U.S.C. 1344). Therefore, our public interest review will consider the guidelines set forth under Section 404(b) of the Clean Water Act (40 CFR 230).

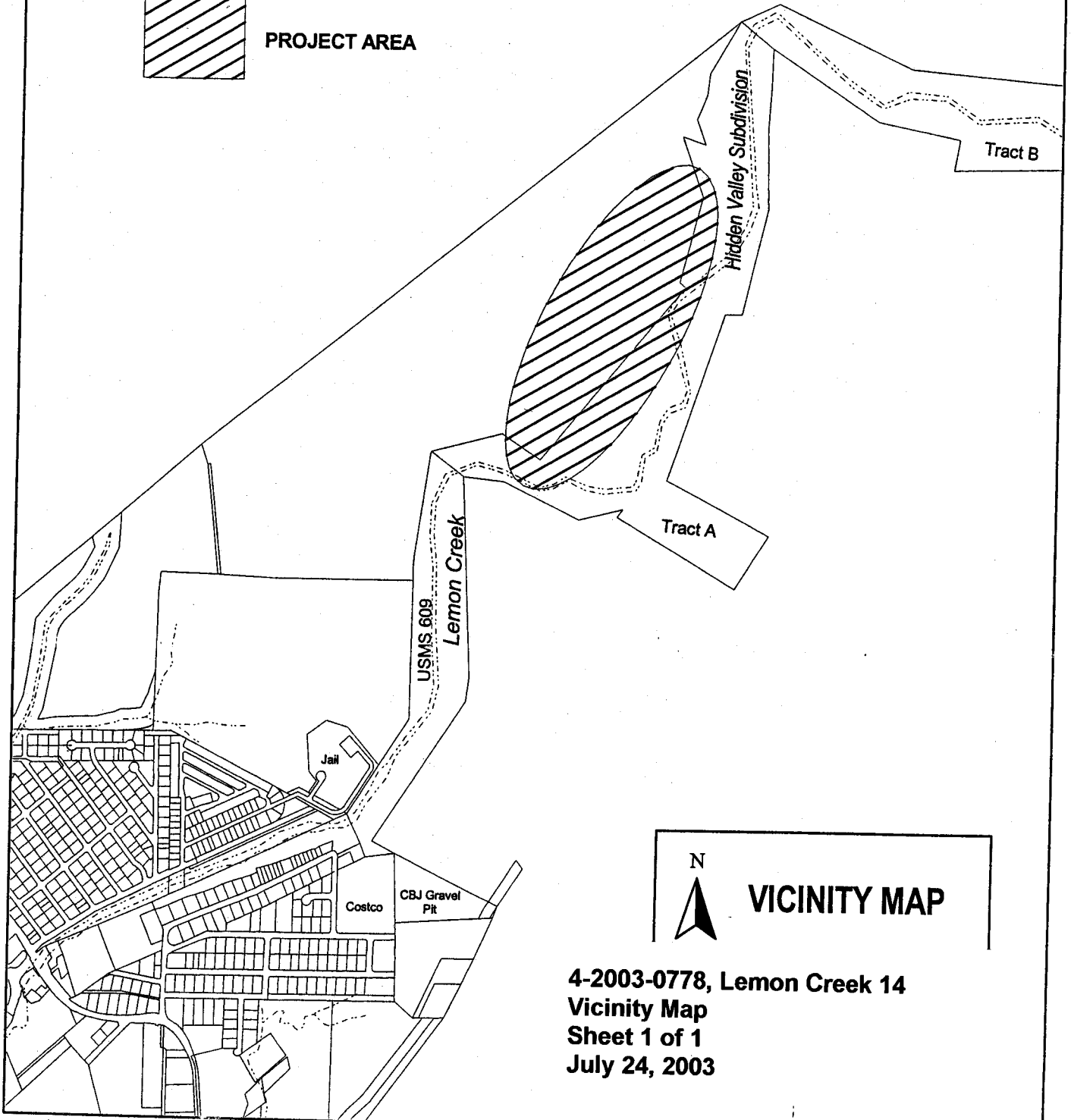
A plan, Notice of Application for Certification of Consistency with the Alaska Coastal Management Program, and Notice of Application for State Water Quality Certification are attached to this Public Notice.

District Engineer  
U.S. Army, Corps of Engineers

Attachments



**PROJECT AREA**



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**VICINITY MAP**

**4-2003-0778, Lemon Creek 14  
Vicinity Map  
Sheet 1 of 1  
July 24, 2003**

# NOTES:

1. FOR TEST PIT INFORMATION SEE THE FOLLOWING REPORTS:
  - A. "CITY & BOROUGH OF JUNEAU WEST LEMON CREEK MATERIAL RESOURCE ASSESSMENT," BY RAM CONSULTANTS, INC., OCTOBER 2, 1984
  - B. "PRELIMINARY SUBSURFACE SOIL INVESTIGATION, PROPOSED LEMON CREEK SLUDGE DISPOSAL SITE," BY RAM ENGINEERING INC., JULY 10, 1989.
2. EXISTING DRAINAGE:
  - A. THERE IS SHEET FLOW DOWN THE CUT FACE OF THE EXISTING CUT FACE, WITH A COARSE GRAVEL CONCENTRATION (SEE DRAINAGE PLAN).
  - B. TWO TRIBUTARIES HAVE BEEN IDENTIFIED AND ARE SHOWN ON THE EXISTING SITE PLAN.
3. VEGETATION IS A MIXTURE OF MATURE SPRUCE, HEMLOCK, DEVL'S CLUB, BLUEBERRY AND SKUNK CABBAGE.
4. WETLAND EXCAVATION:
 

AREA (AC)	OVERBURDEN (CY)	SAND & GRAVELS (CY)
NORTH AREA 1.48	4,700	43,300
SOUTH AREA 3.94	12,700	181,300
TOTAL AREA 5.42	17,400	224,600

# SURVEYOR NOTES:

VERTICAL DATUM USED FOR THIS SURVEY WAS NG'S MLLW ELEVATION (+28.93') FOR MONUMENT "EDGE" LOCATED INSIDE THE AIRPORT AREA. THE SURVEYED TO CONTROL POINTS LEM-3 AND LEM-5 VIA GPS. STATIC SESSION AS CONDUCTED, REDUCED AND RESOLVED BY RAM ENGINEERING, 7/21/03.

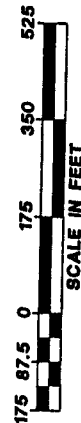
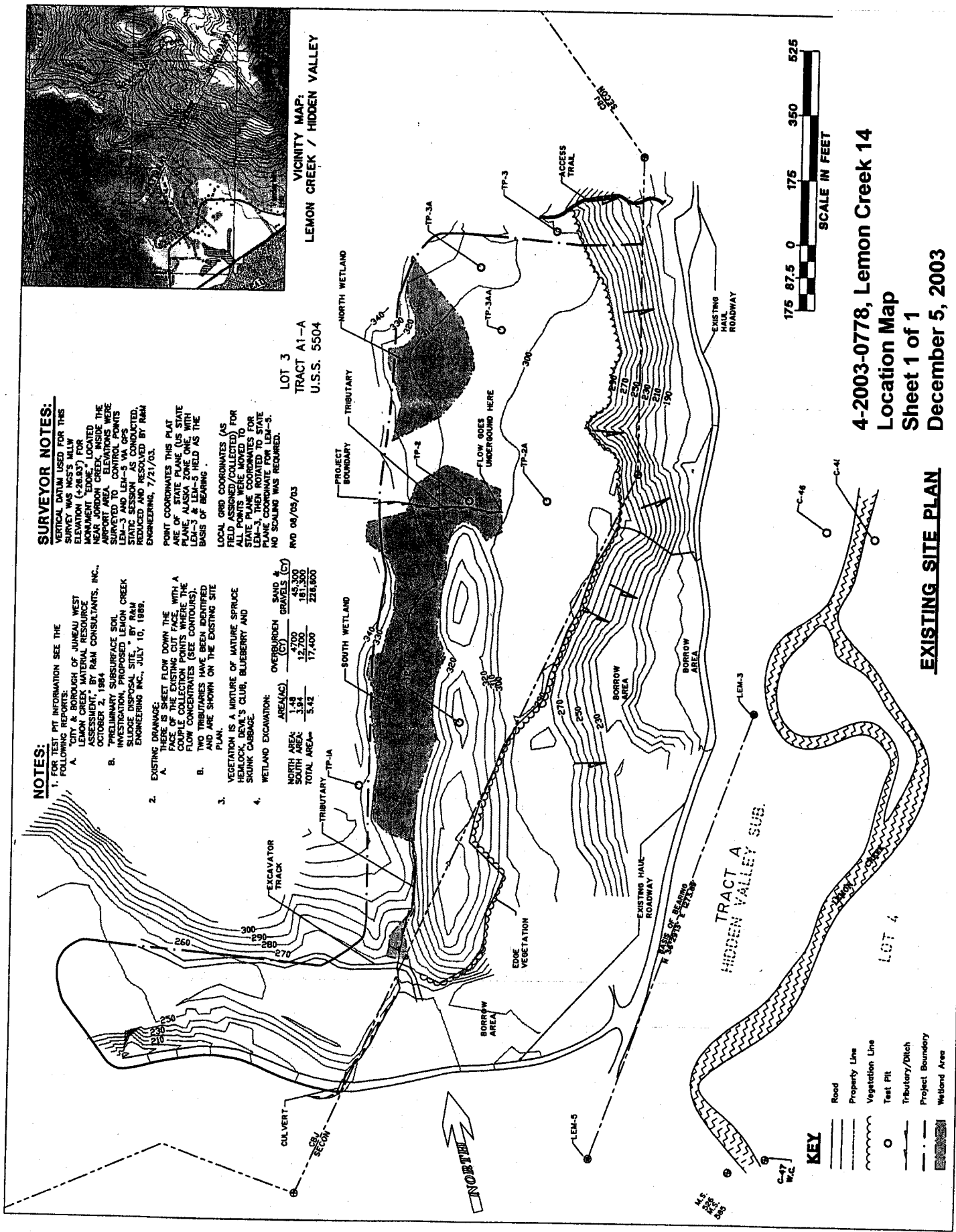
POINT COORDINATES THIS PLAT ARE OF STATE PLANE (US STATE PLANE, ALASKA ZONE ONE, WITH LEM-3 & LEM-5 HELD AS THE BASIS OF BEARING).

LOCAL GRID COORDINATES (AS FIELD ASSIGNED/COLLECTED) FOR ALL POINTS WERE MOVED TO STATE PLANE COORDINATES FOR LEM-3, THEN ROTATED TO STATE PLANE COORDINATES FOR LEM-5. NO SCALING WAS REQUIRED.

NOV 08/05/03

LOT 3  
TRACT A1-A  
U.S.S. 5504

VICINITY MAP:  
LEMON CREEK / HIDDEN VALLEY

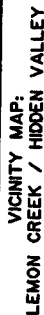


4-2003-0778, Lemon Creek 14  
Location Map  
Sheet 1 of 1  
December 5, 2003

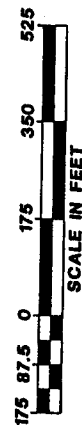
# EXISTING SITE PLAN

## KEY

- Road
- Property Line
- Vegetation Line
- Test Pit
- Tributary/Ditch
- Project Boundary
- Wetland Area



2. CONTOURS AND PHASE 2A AREA ARE SHOWN FOR PHASING PLAN ALTERNATE A.



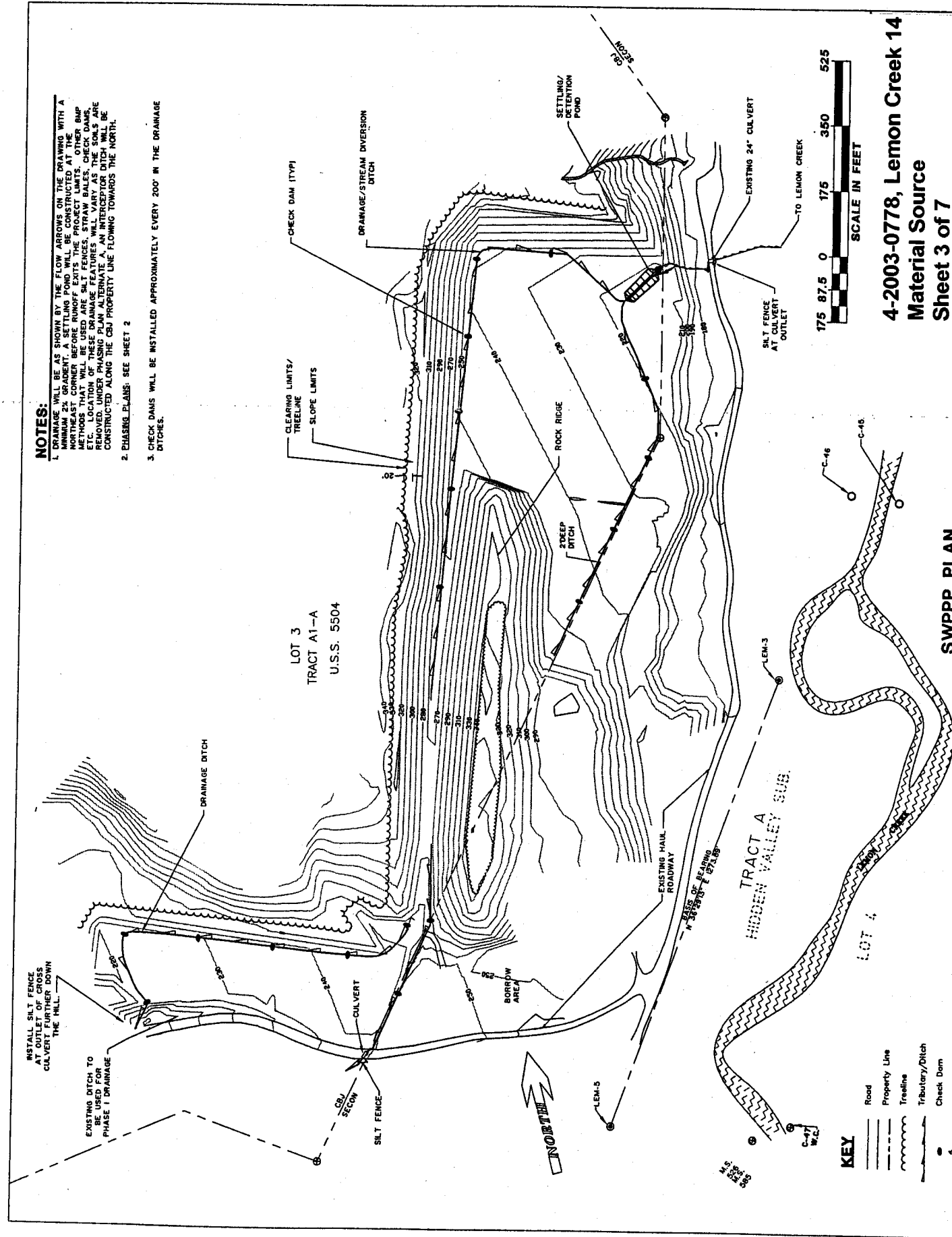
4-2003-0778, Lemon Creek 14  
Material Source  
Sheet 1 of 7  
December 5, 2003

MATERIAL QUANTITY SUMMARY		
PHASE	GRANULAR SOLS	OVERBURDEN *
PHASE 1	17,000 CY	18,480 CY
PHASE 2A	594,000 CY	22,500 CY
PHASE 2B	23,000 CY	23,500 CY
PHASE 3	612,600 CY	22,800 CY
*ESTIMATED TO BE 2" THICK		

## FINISHED SITE & PHASING PLAN



- NOTES:**
1. DRAINAGE WILL BE AS SHOWN BY THE FLOW ARROWS ON THE DRAWING WITH A MINIMUM 24" CULVERT AND WILL BE CONSTRUCTED AT THE NORTHEAST CORNER BEFORE RUNOFF FROM THE PROPERTY. METHODS THAT WILL BE USED ARE SALT FENCES, STRAW BALES, CHECK DAMS, ETC. LOCATION OF THESE DRAINAGE FEATURES WILL VARY AS THE SOILS ARE MOVED. UNDER PHASING PLAN ALTERNATE A, AN INTERCEPTOR DITCH WILL BE CONSTRUCTED ALONG THE C&N PROPERTY LINE FLOWING TOWARDS THE NORTH.
  2. PHASING PLANS: SEE SHEET 2
  3. CHECK DAMS WILL BE INSTALLED APPROXIMATELY EVERY 200' IN THE DRAINAGE DITCHES.



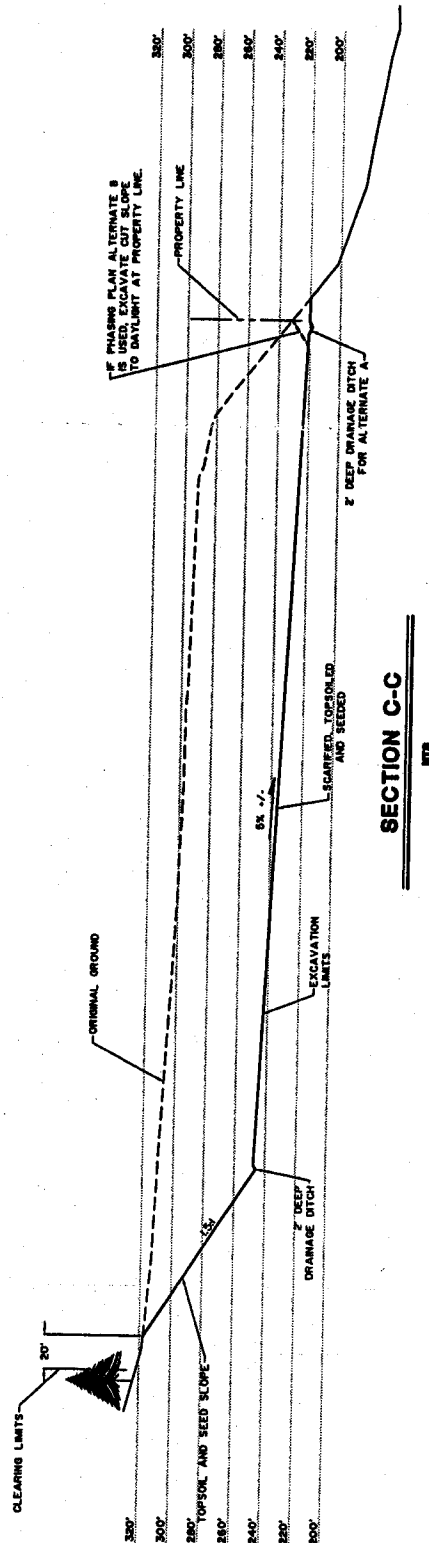
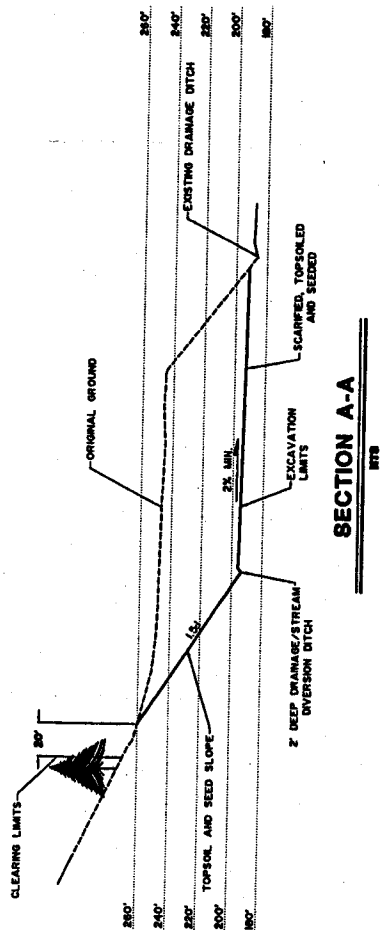
4-2003-0778, Lemon Creek 14  
Material Source  
Sheet 3 of 7  
December 5, 2003

KEY

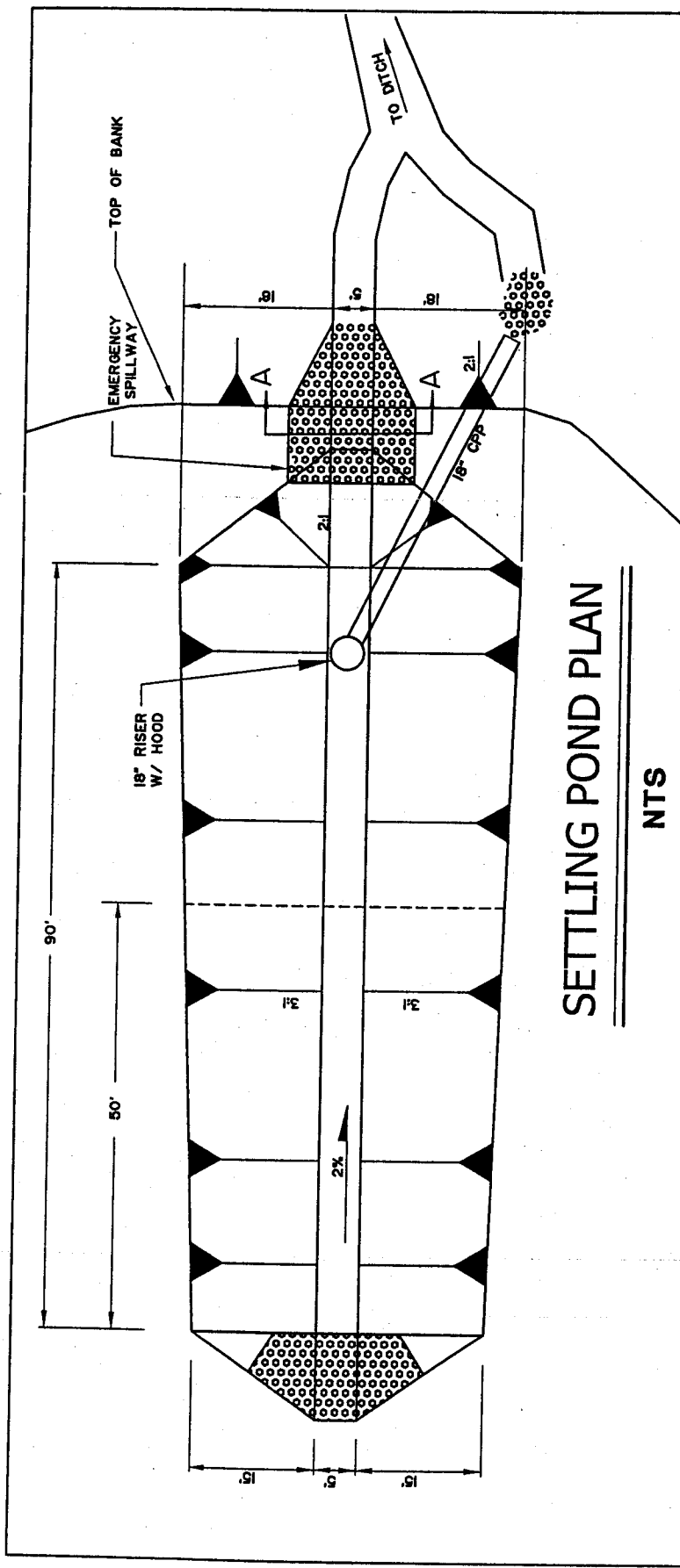
- Road
- Property Line
- Treeline
- Tributary/Ditch
- Check Dam
- Silt Fence

SWPPP PLAN



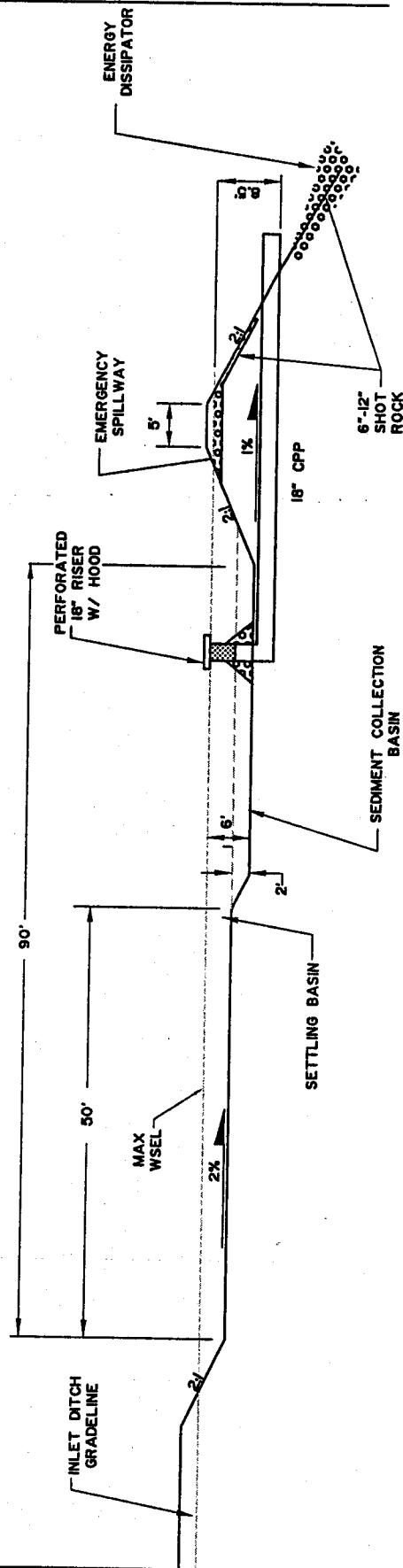


4-2003-0778, Lemon Creek 14  
 Material Source  
 Sheet 4 of 7  
 December 5, 2003



## SETTLING POND PLAN

NTS



## SETTLING POND PROFILE

NTS

4-2003-0778, Lemon Creek 14  
Material Source  
Sheet 5 of 7  
December 5, 2003



6" - 12" SHOT ROCK

5'

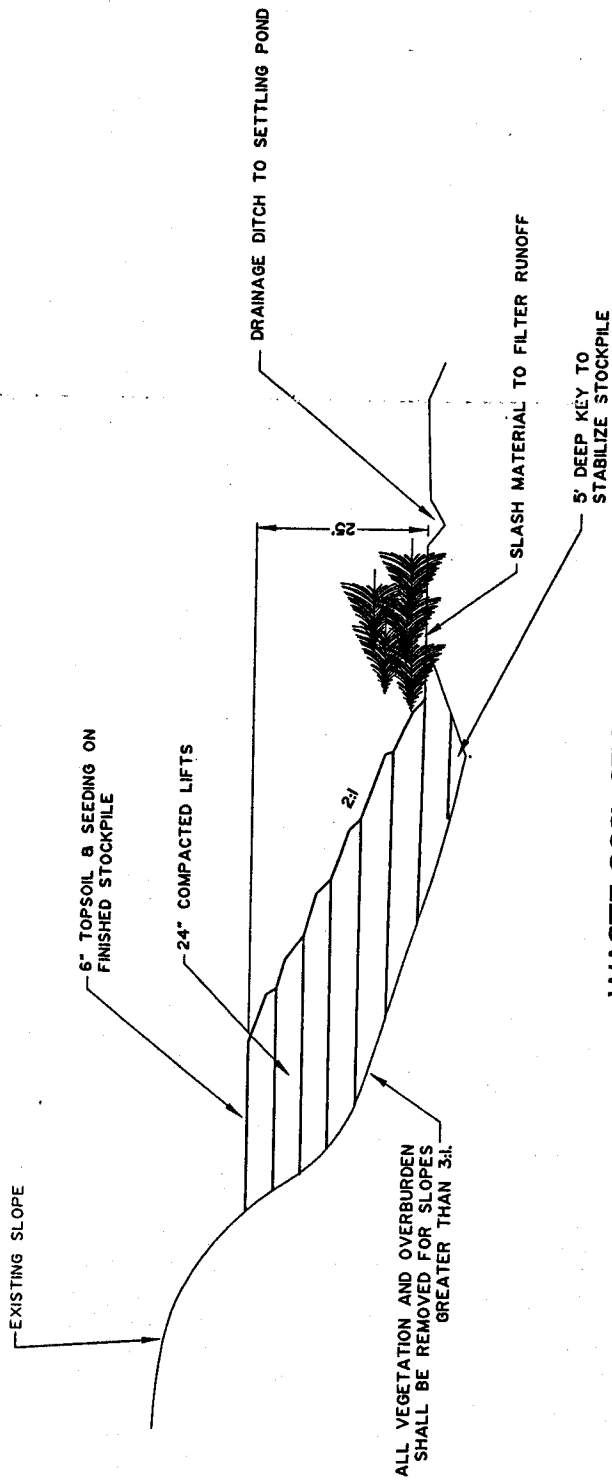
2'

12"

MATCH DITCH INLET ELEVATION

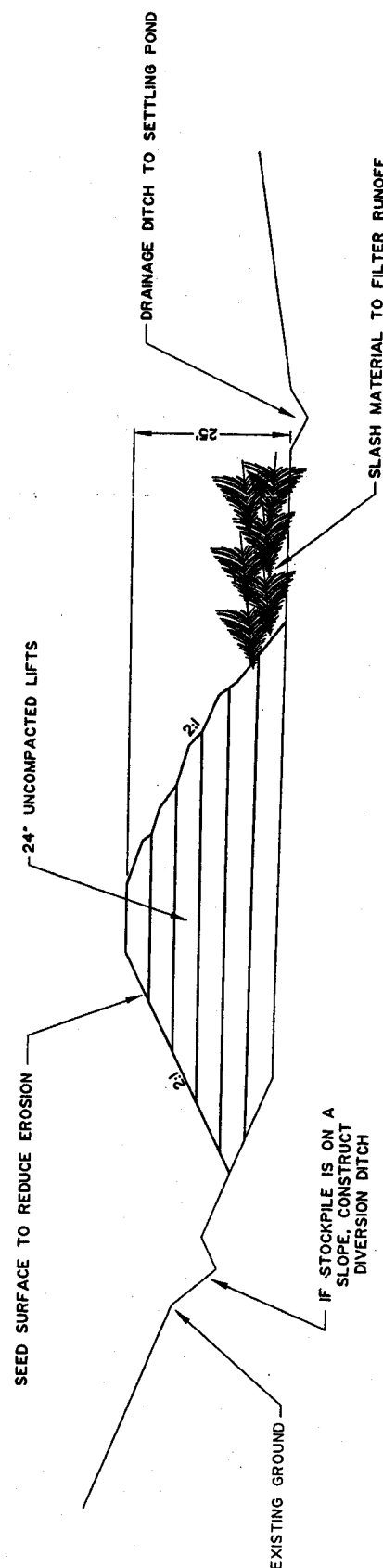
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**4-2003-0778, Lemon Creek 14**  
**Material Source**  
**Sheet 6 of 7**  
**December 5, 2003**



# WASTE SOIL STOCKPILE

NTS



# OVERBURDEN STORAGE STOCKPILE

NTS

# STATE OF ALASKA

## OFFICE OF THE GOVERNOR

### DEPT. OF ENVIRONMENTAL CONSERVATION

#### DIVISION OF AIR AND WATER QUALITY

Non-Point Source Control Section

401 Certification Program

### NOTICE OF APPLICATION FOR STATE WATER QUALITY CERTIFICATION

Any applicant for a federal license or permit to conduct an activity that might result in a discharge into navigable waters, in accordance with Section 401 of the Clean Water Act of 1977 (PL95-217), also must apply for and obtain certification from the Alaska Department of Environmental Conservation that the discharge will comply with the Clean Water Act, the Alaska Water Quality Standards, and other applicable State laws. By agreement between the U.S. Army Corps of Engineers and the Department of Environmental Conservation, application for a Department of the Army permit to discharge dredged or fill material into navigable waters under Section 404 of the Clean Water Act also may serve as application for State Water Quality Certification.

Notice is hereby given that the application for a Department of the Army Permit described in the Corps of Engineers' Public Notice No. 4-2003-0778 (Lemon Creek 14), serves as application for State Water Quality Certification from the Department of Environmental Conservation.

After reviewing the application, the Department may certify that there is reasonable assurance that the activity, and any discharge that might result, will comply with the Clean Water Act, the Alaska Water Quality Standards, and other applicable State laws. The Department also may deny or waive certification.

Any person desiring to comment on the project with respect to Water Quality Certification may submit written comments within 30 days of the date of the Corps of Engineer's Public Notice to:

Department of Environmental Conservation  
WQM/401 Certification  
410 Willoughby Avenue  
Juneau, Alaska 99801-1795  
Telephone: (907) 465-5321  
FAX: (907) 465-5274

# STATE OF ALASKA

## OFFICE OF THE GOVERNOR

DEPARTMENT OF NATURAL RESOURCES  
OFFICE OF PROJECT MANAGEMENT & PERMITTING

ALASKA COASTAL MANAGEMENT PROGRAM  
302 GOLD STREET, SUITE 202  
JUNEAU, ALASKA 99801-1127  
PHONE: (907) 465-3562/FAX: (907) 465-3075

### **NOTICE OF APPLICATION FOR CERTIFICATION OF CONSISTENCY WITH THE ALASKA COASTAL MANAGEMENT PROGRAM**

Notice is hereby given that a request is being filed with the Office of Project Management and Permitting for a consistency determination, as provided in Section 307(c)(3) of the Coastal Zone Management Act of 1972, as amended [16 U.S.C. 1456(c)(3)], that the project described in the Corps of Engineers Public Notice No. 4-2003-0778 (Lemon Creek 14), will comply with the Alaska Coastal Management Program and that the project will be conducted in a manner consistent with that program.

This project is being reviewed for consistency with the Alaska Coastal Management Program. Written comments about the consistency of the project with the applicable ACMP statewide standards and district policies must be submitted to the Alaska Division of Governmental Coordination. For information about this consistency review, contact DGC at (907) 269-7470 or (907) 465-3562, or visit the DGC web site at <http://www.gov.state.ak.us/gdc/Projects/projects.html>.